

Message Text

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C O N F I D E N T I A L STATE 093476

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FOLLOWING REPEAT BRASILIA 2304 ACTION SECSTATE DATED MAR 22, 1978.

QUOTE: C O N F I D E N T I A L BRASILIA 2304

EO 11652 GDS
TAGS TGEN OVIP BR
SUBJECT: DELAY IN APPROVING SCIENTIFIC PROJECTS

REF: STATE 072000

1. BACKGROUND: DECREE NO. 63.164 OF AUGUST 26, 1968, ESTABLISHED
NEW PROCEDURES FOR CONDUCT OF EXPLORATION AND RESEARCH ON BRAZILIAN
CONTINENTAL SHELF, OCEANIC TERRITORIAL WATERS, AND INTERIOR
WATERS AND GAVE ULTIMATE CLEARANCE REQUEST RESPONSIBILITY TO NAVY
MINISTRY FOR DOMESTIC ACTIVITIES AND TO PRESIDENT FOR FOREIGN
ACTIVITIES. FOREIGN CLEARANCE REQUESTS MUST BE SUBMITTED TO NAVY
MINISTRY THROUGH FONMIN AT LEAST 180 DAYS BEFORE DEPARTURE OF
RESEARCHERS FROM HOME COUNTRY--NO CLEARANCE TIME REDUCTION IS GIVEN
FOR FOREIGN-DOMESTIC VENTURES. DECREE NO. 65.057 OF AUGUST 26,
1969, ESTABLISHED NEW PROCEDURES FOR CONDUCT OF SCIENTIFIC EXPEDITION
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IN BRAZILIAN TERRITORY, NOT COVERED BY NO. 63.164 OR NOT UNDER
STATE MONOPOLY, AND GAVE ULTIMATE RESEARCH PERMIT
RESPONSIBILITY TO NATIONAL RESEARCH COUNCIL (NOW NATIONAL COUNCIL
FOR SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENT - CNPQ). FOREIGN
PERMIT APPLICATIONS MUST BE SUBMITTED TO CNPQ THROUGH FONMIM AT
LEAST 180 DAYS BEFORE ARRIVAL OF RESEARCHERS IN BRAZILIAN TERRITORY--
DOMESTIC PERMIT APPLICATIONS (INCLUDING, IN THEORY, MIXED VENTURES

PROPOSED BY DOMESTIC ORGANIZATIONS) REQUIRE 3 MONTHS LEAD TIME.
AT TIME OF ISSUANCE OF DECREES, CNPQ WAS OPPOSED TO THEM AND PROMISED
FOREIGN SCIENTIFIC REPRESENTATIVES THAT IT WOULD WORK TO REVISE
THEM--AT PRESENT, CNPQ STRONGLY SUPPORTS DECREES. IN PRACTICE OF
DECREES, FOLLOWING HAS OCCURRED:

(A) DISTINCTION BETWEEN DECREES HAS BEEN BLURRED--IN MANY CASES
(E.G., R/V ALPHA HELIX EXPEDITION UP AMAZON RIVER), TERMS OF BOTH
WERE APPLIED.

(B) ALL DETAILS REQUIRED FOR CLEARANCE REQUEST OR RESEARCH PERMIT
GENERALLY HAVE TO BE FURNISHED TO FONMIN'S SATISFACTION BEFORE
180-DAY COUNTDOWN BEGINS, BUT FONMIN IS NOT NECESSARILY PROMPT
IN INDICATING DISSATISFACTION WITH FIRST PRESENTATION OF REQUEST.

(C) FONMIN'S ROLE IS GREATER THAN DECREES INDICATE AND ITS ACTIONS
OR INACTIONS ARE FREQUENTLY DECISIVE IN APPROVAL PROCESS.

(D) MIXED VENTURES WITH BRAZILIAN ORGANIZATIONS HAVE YIELDED
ESSENTIALLY NO BENEFITS IN CASES OF NON-GOVERNMENTAL ENTITIES AND
LITTLE BENEFITS EVEN WITH GOB AGENCY PARTNERS.

(E) GOB HAS FELT NO OBLIGATION TO REPLY AT END OF 180-DAY PERIOD,
AND FREQUENTLY APPROVALS OR DENIALS HAVE BEEN ISSUED CONSIDERABLY
LATER. IN SOME CASES, APPROVALS HAVE BEEN GRANTED TOO LATE TO MAKE
USE OF THEM AND AFTER THE RESEARCH PERIOD REQUESTED WAS ALREADY
PARTLY OR WHOLLY PAST.

2. EVALUATION OF POLITICAL SIGNIFICANCE;

(A) APPLICATION OF DECREEY HAS BEEN RELATIVELY UNIFORM FOR ALL
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COUNTRIES WITH NO EVIDENCE OF DISCRIMINATION AGAINST OR IN FAVOR
OF US REQUESTS.

(B) THERE HAS BEEN NO REAL CHANGE IN INTERPRETATION OF DECREES
SINCE 1969 OR EVIDENCE OF NEW POLICY TOWARD US IN 1977.

(C) US OFFICIAL AND NON-GOVERNMENTAL REQUESTS RECEIVE SAME TREAT-
MENT--FOLLOW-UP BY EMBASSY HELPS SIGNIFICANTLY ON OFFICIAL REQUESTS.

(D) IN GENERAL, GOB LAWS ARE INTERPRETED IN PRACTICE MORE FLEXIBLY
THAN IN US, BUT THESE DECREES ARE FOLLOWED VERY RIGIDLY.

(E) EMBASSY BELIEVES THERE IS SOME EVIDENCE THAT SCIENTIFIC PROJECTS
INVOLVING US MILITARY AGENCIES MAY NOT BE RECEIVING IMPARTIAL
CONSIDERATION AT PRESENT BUT RATHER COLD TREATMENT.

3. IMPLICATIONS FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION:

(A) GOB'S STATED REASONS FOR EXISTENCE THIS REGIME FOR CONTROL OF
FOREIGN SCIENTIFIC RESEARCH ARE

--TO PROTECT NATIONAL SECURITY--GOB MUST HAVE DETAILED KNOWLEDGE OF

FOREIGN ACTIVITIES IN BRAZIL.

- TO CORRECT ABUSES OF PAST FOREIGN SCIENTIFIC ACTIVITIES IN BRAZIL WHICH RESULTED (ACCORDING TO GOB) IN KNOWLEDGE OF BRAZIL UNAVAILABLE TO BRAZILIANS AND SCIENTIFIC SPECIMENS IN FOREIGN INSTITUTIONS NOT DUPLICATED HERE. (SMITHSONIAN INSTITUTE IS CITED AS ONE CULPRIT.)
- TO BRING GOB REGULATIONS AND RESTRICTIONS ON FOREIGN SCIENTIFIC ACTIVITIES IN LINE WITH THOSE OF OTHER COUNTRIES (INCLUDING US*).

(B) EMBASSY SEES REGIME AS CONSCIOUS GOB POLICY TO ATTEMPT TO EXPLOIT FOREIGN SCIENTIFIC INTEREST IN BRAZIL TO OBTAIN BENEFITS FOR BRAZILIAN SCIENCE AND INSTITUTIONS AND DISCOURAGE ACTIVITIES IN WHICH GOB HAS LESS INTEREST. OFFICIAL GOB DEDICATION TO WORLD SCIENTIFIC COOPERATION IS NO MAJOR ASPECT OF MOTIVATION.
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(C) DECREES REQUIRE GOB COUNTERPART PARTICIPATION FOR PROTECTION OF NATIONAL INTERESTS BUT BRAZILIAN CAPABILITY IS LIMITED--THEREFORE, APPLICATION OF DECREES IS PREJUDICED TOWARD FOREIGN ACTIVITIES WHICH FIT OFFICIAL GOB INTERESTS AND IN WHICH PARTICIPATION WILL NOT BE DIVERSIONARY.

(D) EMBASSY BELIEVES SCIENTIFIC AND TECHNICAL COOPERATION WITH BRAZIL WOULD HAVE TO MEET GOB PRIORITIES AND TERMS TO CHANGE APPROVAL REGIME SIGNIFICANTLY.

4. SUGGESTED PROPOSALS: IN DISCUSSIONS WITH EMBASSY SCIENCE COUNSELOR LAST YEAR, FONMIN REPRESENTATIVES ALLEGED THAT APPROVAL REGIME AND LEAD TIME COULD BE CHANGED DRASTICALLY IF SCIENTIFIC PROJECTS WERE PRESENTED UNDER US/BRAZIL S&T BILATERAL AGREEMENT THROUGH DEVELOPMENT OF MEMORANDA OF UNDERSTANDING ON EACH PROJECT BETWEEN US AND BRAZILIAN INSTITUTIONS. ROLE OF FONMIN THEN WOULD BE REDUCED TO DETERMINATION THAT MOU IS COMPATIBLE WITH BILATERAL ("WHICH COULD BE DONE QUICKLY") AND GOB DECREES WOULD NOT APPLY. (COMMENT. IN FACT, MEMORANDA COULD NOT BE DEVELOPED UNLESS PROJECT MET GOB REQUIREMENTS. END COMMENT). THIS "PROPOSAL" MIGHT BE EXPLORED BY ASSISTANT SECRETARY TODMAN, WITH SOME CAUTION SINCE ITS AUTHENTICITY AND RELIABILITY ARE UNCERTAIN AS WELL AS ITS ADVANTAGES TO US. (COMMENT: IN FACT, US PROPOSED TWO PROGRAMS OF SCIENTIFIC COOPERATION LAST YEAR, IN HYDROGEN TECHNOLOGY AND IN WILDLIFE STUDIES AND CONSERVATION, UNDER MEMORANDUM FORMAT, TO NEITHER OF WHICH GOB RESPONDED. END COMMENT)

5. EMBASSY RECOMMENDS THAT ISSUE OF CLEARANCE FOR SCIENTIFIC PROJECTS BE RAISED NOT ONLY WITH AMBASSADOR
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ARAUJO BUT ALSO, IF POSSIBLE, WITH MINISTER RONALDO MOTA SARDENBERG, SPECIAL ADVISOR FOR BILATERAL POLITICAL AND ECONOMIC AFFAIRS TO FOREIGN MINISTER SILVEIRA, WHO, LIKE ARAUJO, WILL BE ATTENDING SILVEIRA-VANCE MEETING AND WILL LIKELY BE IN THE WINGS DURING THE PRESIDENTIAL BILATERALS. JOHNSON UNQUOTE VANCE

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